

REMARKS

This is a full and timely response to the non-final Office Action mailed September 13, 2004. The Office Action rejected Claims 1-24. By the present amendment and response, independent claims 1, 11, and 20 have been amended, dependent claims 23 and 24 have been amended, and claims 1-24 remain pending in the application. The prior rejection of the claims is respectfully traversed by the present response. Since the amended claims are neither taught or suggested by the cited references of the Office Action, all of the pending claims are patentable over the cited art.

I. THE ULTRASOUND CONTRAST AGENT IS ADAPTED TO ACCELERATE A HEALING PROCESS FOR AN INJURY UPON APPLICATION OF ULTRASOUND

Independent claims 1, 11, and 20 have been amended to clarify that the ultrasound contrast agent is adapted to accelerate a healing process for an injury upon application of ultrasound. The amended limitation is directed to the healing of wounds rather than the destruction of tissue, and reconsideration of the application is requested in view of these amendments.

II. THE REJECTION UNDER 35 U.S.C. 103(a)

On page 4, the Office Action has rejected claims 1-6, 11, 15-21, and 23-24 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,904,659 to Duarte et al. ("the '659 patent" or "Duarte") in view of U.S. Patent No. 5,665,141 to Vago ("the '141 patent" or "Vago") and U.S. Patent No. 6,088,613 to Unger ("the '613 patent" or "Unger"). Applicants respectfully traverse this argument, and request reconsideration and withdrawal of the rejection.

While Duarte and Vago disclose various ultrasound treatment methods and devices, these methods and devices only involve the application of ultrasound to treat a patient, and neither of these references disclose or suggest using the claimed ultrasound contrast agent with ultrasound to treat a patient. Specifically, neither of these references disclose either of the amended claim elements “introducing an ultrasound contrast agent into a patient, wherein the ultrasound contrast agent is adapted to accelerate a healing process for an injury upon application of ultrasound” or “an ultrasound contrast agent adapted to accelerate a healing process for an injury upon application of ultrasound.”

The Office Action asserts that “Duarte inherently involves the production of cavitation.” Page 4, lines 11-12. However, Duarte does not disclose or suggest the introduction of any medium into a patient’s body, i.e. the claimed ultrasonic contrast medium, that may facilitate in lowering the cavitation threshold. While the Office Action argues inherency in producing cavitation, there is no support for arguing that it is inherent to introduce an ultrasonic contrast medium adapted to accelerate a healing process for an injury upon application of ultrasound, or that may facilitate in lowering the cavitation threshold.

Further, the Office Action asserts that the “Vago discloses using ultrasound to promote wound healing. Vago discloses that the ultrasound produces stable cavitation to promote wound healing.” Page, 4, lines 9-11. However, Vago relates to production of cavitation in a bath or tank of water in which a patient’s body is immersed, and does not relate to cavitation in a patient’s body. Neither Duarte nor Vago relate to or disclose “introducing an ultrasound contrast agent into a patient, wherein the ultrasound contrast agent is adapted to accelerate a healing process for an injury upon application of ultrasound” or “an ultrasound contrast agent adapted to accelerate a

healing process for an injury upon application of ultrasound.” Therefore, the claimed invention is distinguishable from these references.

Unger discloses various ultrasound treatment methods and devices, however, Unger discloses the use of ultrasound to target tissues for tissue destruction rather than healing. Col. 10, lines 40-47. Thus, Unger does not specifically disclose the amended claim elements “introducing an ultrasound contrast agent into a patient, wherein the ultrasound contrast agent is adapted to accelerate a healing process for an injury upon application of ultrasound” or “an ultrasound contrast agent adapted to accelerate a healing process for an injury upon application of ultrasound.” Therefore, the claimed invention is also distinguishable from this reference.

On page 2, the Office Action has rejected claims 1-6, 11, 15-21, and 23-24 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,088,613 to Unger (“the ‘613 patent” or “Unger”) in view of U.S. Patent No. 5,186,162 to Talish et al. (“the ‘162 patent” or “Talish”). Applicants respectfully traverse this argument, and request reconsideration and withdrawal of the rejection.

As explained above, Unger discloses various ultrasound treatment methods and devices, however, Unger discloses the use of ultrasound to target tissues for tissue destruction rather than healing. Col. 10, lines 40-47. Thus, Unger does not specifically disclose the amended claim elements “introducing an ultrasound contrast agent into a patient, wherein the ultrasound contrast agent is adapted to accelerate a healing process for an injury upon application of ultrasound” or “an ultrasound contrast agent adapted to accelerate a healing process for an injury upon application of ultrasound.” Therefore, the claimed invention is distinguishable from this reference.

Talish discloses various ultrasound treatment methods and devices, however these methods and devices only involve the application of ultrasound to treat a patient, and does not disclose or suggest using the claimed ultrasound contrast agent with ultrasound to treat a patient. Specifically, Talish does not disclose the amended claim elements “introducing an ultrasound contrast agent into a patient, wherein the ultrasound contrast agent is adapted to accelerate a healing process for an injury upon application of ultrasound” or “an ultrasound contrast agent adapted to accelerate a healing process for an injury upon application of ultrasound.” Therefore, the claimed invention is also distinguishable from this reference.

Claims 2-10, 12-19, and 21-24 are ultimately dependent from either claims 1, 11 or 20, for which arguments of patentability have been advanced above. Therefore, dependent claims 2-10, 12-19, and 21-24 should also be allowable over the cited art.

III. THE OBJECTIONS TO CLAIMS 23 AND 24

Claims 23 and 24 have been amended in accordance with the Office Action recommendation to change “method” to “kit.”

CONCLUSION

Claims 1-24 are now in condition for allowance. The Examiner is invited and encouraged to contact the undersigned attorney of record at (404) 815-6048 if such contact will facilitate a Notice of Allowance. If any additional fees are due, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 11-0855.

Respectfully submitted,



Christopher J. Chan
Reg. No. 44,070
Attorney for Assignee

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KILPATRICK STOCKTON LLP
1100 Peachtree Street
Suite 2800
Atlanta, Georgia 30309-4530
(404) 815-6500
(404) 815-6555 (fax)
Attorney Docket No.: 41482/205543